

ENTERED

July 13, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

LEROY BARTIE,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 6:21-CV-37
	§	
BOBBY LUMPKIN,	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a prisoner incarcerated at the Willacy County State Jail in Raymondville, Texas, which is located in Willacy County. (D.E. 1). In his petition, Petitioner challenges a Harris County conviction and sentence. (D.E. 1).

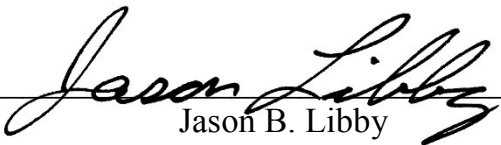
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration at the time of filing is in the Brownsville Division of the Southern District of Texas, 28 U.S.C. § 124(b)(4), and he was convicted by a court located in Harris County in the Houston Division of the Southern District of Texas. 28 U.S.C. § 124(b)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the state court was

held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because Petitioner was convicted in Harris County, it is more convenient and would further the interests of justice for this action to be handled in the Houston Division of the Southern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Houston Division of the Southern District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Southern District of Texas, Houston Division. All pending motions are **DENIED** as moot and are subject to renewal after the case is transferred.

ORDERED this 13th day of July, 2021.


Jason B. Libby
United States Magistrate Judge